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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,846	01/30/2004	Mailvaganam Mahendran	4320-529	4139
1059	7590	02/23/2005	EXAMINER	
BERESKIN AND PARR 40 KING STREET WEST BOX 401 TORONTO, ON MSH 3Y2 CANADA			FORTUNA, ANA M	
			ART UNIT	PAPER NUMBER
			1723	
DATE MAILED: 02/23/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/766,846	MAHENDRAN ET AL.
	Examiner	Art Unit
	Ana M Fortuna	1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 January 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2 and 5-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2 and 5-9 is/are rejected..
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/16/04, 11/3/04, 7/19, 5/10/4

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Tober (3,660,281). Tober discloses all the limitations (a)-e)) of claim 1 (elements 42, 43, 44, 47, Fig. 2). The membrane ends secured with the block or solid potting surface, with the ends extending at the permeate collection 44 is illustrated in Fig. 2. The permeate pan defining a plenum or chamber is defined by elements 44, 47, and 43.

Claims 1, 2, 5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Pye (3,554,379). Pye discloses the apparatus or membrane module including the membranes, potting material , ends extending outside the potting material in into a permeate pan of chamber, the pan secured to the potting material (elements 14, 13, 15, 19, 12, 20 , Fig. 1.).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 6.-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tober (3,660,281) in view of Caracciolo (3,528,553). Tober discussed in the paragraph above fails to disclose providing the membrane module with an air tube. Caracciolo discloses potting membranes (10) ends in a solid mass of potting material (12), permeate collection means defining a chamber (50, 11, 28, 54), and a perforated tube(Fig. 2, element 44), passing through the potting material and in communication with the permeate chamber or pan (40)(column 6, lines 32-66, , column 7, lines 28-47, column 8, last paragraph bridging with column 9, lines 1-18).. Caracciolo fails to disclose the membrane open ends protruding into the permeate collection zone, which is disclosed in by Tober. It would have been obvious to one skilled in the art at the time the invention was made to have an apparatus or membrane module including the combination of limitations as claimed, based on Caracciolo suggestion of providing a membrane bundle with a perforated pipe within the module and holding the pipe in the potting resin of the membranes potted area, e.g. for removing or inserting a fluid within the module (column 12, lines 43-59).

***Response to Arguments***

5. Applicant's arguments, see page 4, filed 1/18/05, with respect to the rejection(s)of claim(s) 1, 2, 5, 6-9 under USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the references discussed above. The amendment has been entered, a rejection of the remaining claims is

considered proper. Reference JP 07-289860 has been withdrawn as reference.

Reference '860 was added just to show the perforated pipe potted with the membranes, which is now shown by patent 3,528,553.

In claims 5, 8-9, the term "a gas(air) may be introduced" has been considered as no providing additional structure. In claim 6, the term "air tube" is considered as a general tube or perforated tube, since connection to an air source is not provided in the claim.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana M Fortuna whose telephone number is (571) 272-1141. The examiner can normally be reached on 9:30-6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ana M Fortuna  
Primary Examiner  
Art Unit 1723

AF

February 17, 2005